

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT PELTZ,)	CASE NO.	1: 05 CV 2643
PLAN ADMINISTRATOR,)		
)		
Plaintiff,)	JUDGE DONALD C. NUGENT	
)		
v.)		
)		
RICHARD N. MORETTI, et al.,)	MEMORANDUM OPINION	
)	AND ORDER	
Defendants.)		

On January 3, 2007, this Court issued a Memorandum Opinion and Order subsequent to a one-day bench trial in this matter. (ECF # 72.) In that Opinion, the Court ruled that its August 25, 2006 Order granting Plaintiff's Motion for Partial Summary Judgment (ECF # 30) shall remain intact. Accordingly, the Court denied Defendants' Motion for Reconsideration (ECF # 65), granted Plaintiff's Motion to Strike (ECF # 71), and held that Defendants' Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment, their Motion for Summary Judgment and supporting affidavit (ECF # 68) shall be stricken from the record. Further, the Court granted Plaintiff's Amended Motions for Sanctions and accepted the factual findings as set forth in Motions. (ECF # 61, ECF # 62.) Finally, the Court found in favor of Plaintiff and against Defendants on the sole claim before it trial, namely civil conspiracy. As such, the Court ruled that Defendants are jointly and severally liable to Plaintiff for \$72,317.90 in compensatory damages. The Court further found that punitive damages shall not be awarded in this case, and assessed costs to Defendants. On the same day, the Court entered a judgment pursuant to the Memorandum Opinion and Order and terminated the case. (ECF # 73.)

On January 12, 2007, Defendants filed a Motion for Additional Findings of Fact and

Conclusions of Law or, in the alternative, a Motion for Reconsideration. (ECF # 74.) On the same day, Defendants also filed a Motion for Stay of Execution of Judgment (ECF # 75), a Motion for a New Trial (ECF # 76) and a Motion for Amendment or Alteration of Judgment (ECF # 76). On January 16, 2007, Plaintiff filed an Opposition to Defendants' Motion for Additional Findings of Fact and Conclusions of Law or, in the alternative, Motion for Reconsideration. (ECF # 77.) On January 23, 2007, Plaintiff filed an Opposition to Defendants' Motion for a New Trial and Motion for Amendment or Alteration of Judgment. (ECF # 78.)

This Court has thoroughly reviewed the pending Motions and finds each of them to be without merit. Based upon the record before it, the Court finds nothing to convince it that its findings as set forth in the January 3, 2007 Memorandum Opinion and Order and accompanying Judgment are in error. The Court's findings are supported by the evidence and therefore remain intact. In this case, no Defendant has responded to any discovery, nor did they present any evidence at trial. Yet, subsequent to trial, Defendants have attempted to use motions to alter the outcome. In each of the pending Motions, Defendants fail to direct this Court to an intervening change in controlling law, new evidence not available at trial, or a clear error of law or fact. With respect to a new trial specifically, Defendants have failed to identify errors of law or fact that have caused them prejudice warranting such a new trial, nor have they suggested how a new trial would lead the Court to reach a different conclusion. Instead, dissatisfied with the outcome, Defendants use the instant Motions to re-litigate issues previously decided by the Court.

For the reasons set forth above, the Court DENIES the pending Motions. More specifically, the Court DENIES Defendants' Motion for Additional Findings of Fact and Conclusions of Law or, in

the alternative, a Motion for Reconsideration (ECF # 74), Motion for Stay of Execution of Judgment (ECF # 75), Motion for a New Trial (ECF # 76) and Motion for Amendment or Alteration of Judgment (ECF # 76).

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: February 22, 2007